

Notice of Allowability

Application No.

10/780,456

Examiner

Sara Addisu

Applicant(s)

QUIGLEY, JOHN

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/27/07.
2. ☒ The allowed claim(s) is/are 1-4, 7-10, 12-17, 54, 55, 57, 61, 62, 64-68 and 70-84.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF, and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Calvin Covell on 11/16/07.

The application has been amended as follows:

- claim 4, line 7 delete the word "with"
- claim 4, line 8, after the words "...the same speed", add ", with"

Allowable Subject Matter

Claims 1-4, 7-10, 12-17, 54, 55, 57, 61, 62, 64-68 and 70-84 are allowed.

Regarding independent claims 1, 65 and 77, the closest prior art to the instant invention is Scott (USP 1,967,374).

SCOTT teaches a method of cutting a tube into plurality of sections comprising rotating a mandrel (8) disposed at a work station, moving a first portion of a tube (55) into the feeding zone (right hand portion of the work station) followed by moving it to the cutting zone (left hand portion of the work station) to be cut into plurality of smaller tubes segments using cutters (88) ('374, figure 1). SCOTT also teaches the mandrel being constantly rotated during the operation of the machine ('374, page 2, lines 20-24).

SCOTT also teaches a trimmed portion/scrap (86) disposed at the end of tube (55) being ruptured and removed (to a scrap receiving location) by spring (87) ('374, figure 8 and page 3, lines 50-65). Furthermore, SCOTT teaches the tube segments falling on conveyor belts to be ejected to a chute (second receiving location) (116) ('374, page 3, lines 130-133). SCOTT also teaches the tube being slipped onto the mandrel (8) (i.e. they have a telescopic relationship) ('374, figure 11 and page 2, lines 11-19).

However, regarding claim 1, SCOTT fails to anticipate or make obvious having the step of rotating the tube about its longitudinal central axis at the same speed as the mandrel while the tube is spaced apart from the mandrel and moving the mandrel and tube into a telescopic relationship while rotating the mandrel and tube at the same speed. Regarding claims 65 and 77, SCOTT fails to anticipate or make obvious having the step of moving a first portion of the tube into the work station while rotating the tube and mandrel, whereby a leading end of the tube is moved into the work station at a first speed while rotating the tube, reducing the speed at which the leading end of the tube moves into the work station to a second speed which is less than the first speed while rotating the tube, and moving the leading end of the tube into engagement with a stop while the leading end of the tube is moving at the second speed and while rotating the tube. Furthermore, regarding claims 1 65 and 77, SCOTT fails to anticipate or make obvious having the step of moving a second portion of the tube and cutting the second portion of the tube into a second plurality of sections.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu
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SA
11/16/07

Monica S. Carter
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